Manor Farm Homes, Inc. Petitioner

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## FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 8 Clarion Court in the residential subdivision known as The Abbey at Sherwood. The subject property is located near Sherwood Road, not far from York Road in northern Baltimore County. Within the Petition filed, as amended, relief is requested from Section 504.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), which incorporates Section V.B.5.b of the Comprehensive Manual of Development Policies (CMDP), to permit a setback of 20 ft. to the tract boundary in lieu of the required 35 ft. (see Section 1801.2.C.2.a, BCZR). Also requested is an approval to amend the Final Development Plan for The Abbey at Sherwood. All of the relief requested is more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petitions.

Appearing at the public hearing held for this case was Bruce E. Doak, an architect with the firm of Gerhold, Cross and Etzel. Mr. Doak prepared the site plan marked as Petitioner's Exhibit No. 1. The Petitioner was represented by Deborah C. Dopkin, Esquire. There were no Protestants present

Uncontradicted testimony and evidence offered was that the subject

property is known as Lot No. 17 in this small residential subdivision adjacent to Sherwood Road. This is a new community, which has recently completed the development process. The subdivision has been approved through that process and, in fact, the subdivision came before me under case No. 92-311-SA. Therein, a Petition for Special Variance from Section 4802.4.D of the B.C.Z.R. was granted. This allowed construction within the appropriate shed of a failing intersection.

As to the present case, relief is requested to allow a 20 ft. rear yard setback in lieu of the required 38 ft. As shown on the site plan, the subject lot is unusual in configuration. Although it contains sufficient acreage to meet density requirements, the rear yard is notched so as to create a small setback distance from the rear of the building envelope to the property line. However, it is to be noted that the property extends further on both sides of this notch. Thus, the rear yard line is somewhat "V" shaped and a proper setback cannot be maintained at the rear yard's narrowest depth.

The Petitioner argues that the variance should be granted and that the relief sought complies with the terms of Section 307 of the B.C.Z.R. This section sets forth those standards which must be met for any variance to be granted. The Petitioner avers that a denial would create a practical difficulty upon the Petitioner in that the property could not be developed resientially if variance relief was not afforded. That is, a house of the style similar to other houses in the subdivision cannot be built due to the site constraints imposed by the narrowness of this lot. Moreover, the Petitioner argues that the relief can be granted without any detriment to the surrounding locale and approval of the variance is within the spirit and intent of the regulations. I concur with the arguments offered by the

the unusual site constraints imposed by this property. Moreover, it is significant to note that the depth of the subject lot as measured near the side property lines is sufficient is greater than when measured in the center of the lot and affords an appropriate setback from the dwelling to neighboring houses. Moreover, the front and side setbacks are maintained. Moving the building closer to the front of the property would destroy the symmetry of the neighborhood.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 38 day of December, 1993, that a Petition for Zoning Variance from Section 504.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), which incorporates Section V.B.5.b of the Comprehensive Manual of Development Policies (CMDP), to permit a setback of 20 ft. to the tract boundary

Plan for The Abbey at Sherwood, be and is hereby GRANTED, be and is hereby GRANTED, subject, however, to the following restriction which are condi-

> 1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible

Petitioner in this case. Clearly, the variance relief is necessitated by

For all of these reasons, I am persuaded that the Petition for Zoning Variance should be granted and will so order.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

in lieu of the required 35 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance to amend the Final Development tions precedent to the relief granted herein:

for returning, said property to its original

LES:

Zoning Commissioner for

Baltimore County

**Baltimore County Government** Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

December 28, 1993

Deborah C. Dopkin, Esquire Suite 220 502 Washington Avenue Towson, Maryland 21204

> RE: Case No. 94-207-A Petition for Variance Manor Farms Homes, Inc., Petitioner

Dear Mrs. Dopkin:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Zoning Commissioner

cc: Mr. D.J. Sikorski, President Manor Farm Homes, Inc. P.O. Box 99 Phoenix, Maryland 21131

to the Zoning Commissioner of Baltimore County for the property located at #8 Clarion Court 94-207-5PHA which is presently sound DR 2 This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) V. B. S. b ① Section 504.2 B.C.2.R. (Comprehensive Manual of Development Policies) to permit a setback of 28' to the tract boundary in lieu of the required 35' (See Section 1801.2.C.2a B.C.2.R.). @ Ameno THE FINAL Development Ran HOR "THE ABBOY AT SHERMOOD" of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) Required setbacks do not allow a large enough envelope to construct a dwelling consistent with others proposed in the development. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, poeting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County. VWe do solemnly declare and affirm, under the penalties of perjury, that tive are the legal owner(s) of the properly which is the subject of this Patition (Type or Print Name) in any section of the Arthur Gy State Zpcode Security 1 **Altorney for Petitione** (Type or Print Name) Rimahaa Name, Address and phone number or representative to be contacted Bruce E. Doak A toress Phone No. Suite 100 320 E. Towsontown Blvd. TOWSON, MD 21286 OFFICE USE ONLY Printed with Saybeen Int. on Resysted Pages

#206

to the Zoning Commissioner of Baltimore County for the property located at #8 Clarion Court which is presently zoused This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached

hereto and made a part hereof, hereby petition for a Variance from Section(s) V B 5 b

1. Section 504.2 B.C.Z.R. (Comprehensive Manual of Development Policies) to permit a setback of 20' to the tract boundary in lieu of the required 35 ' (See Section 1B01.2.C.2a B.C.2.R.). 2. Amend the Final Development Plan for "The Abbey at Sherwood." of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) Required setbacks do not allow a large enough envelope to construct a dwelling consistent with others proposed in the development.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

Contact Psechator/I pases	We do solemnly declare and allim, under the penalties of perjuny, that the are the legal connects; of the property which is the subject of this Polition Legal Connects;
(Type or Print Name)	Manor Farm Homes, Inc.
Rignature	- mufdel
Adhens	Type of Silver T SIKONSKI, PLES
City State Pacode Attorney for Patitioner	Dignature
DEBORAH C. DOPKIN	P.O. Box 99 666-5933
Dienel Oral	Phoenix Maryland 21131
SUITE 220 520 WASHINGTON AVE. 339-7100	City Name, Arkhees and phone number or representative to be exelected.
TOWSON MD 21204	
Preción	ESTIMATED LENGTH OF HEARING  OFFICE USE ONLY
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The second supply	MENTENED DIT. SAID DATE DATE 12/1/93

GORDON T. LANGDON DENNIS M. MILLER EDWARD F DEIACO-LOHR SRUCE E DOAK

GERHOLD, CROSS & ETZEL Registered Professional Land Surveyors SUITE 100 320 EAST TOWSONTOWN BOULEVARD TOWSON, MARYLAND 21286-5318

410 823 4470 FAX 410-823-4473

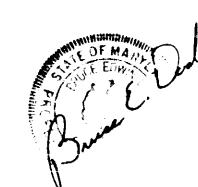
-PAUL G DOLLENBERG FRED H DOLLENSENS CAPL L SERMOLD PHILIP E CROSS or counsel HOHM F ETTEL

WILLIAM & HERICH

November 12, 1993

ZONING DESCRIPTION No. 8 Clarion Court Eighth Election District Third Councilmanic District

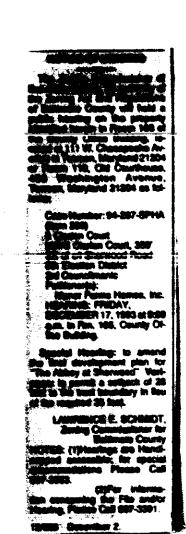
Beginning at a point on the northwest side of Clarion Court, 50 feet wide, at a distance of 395 feet southwesterly from the centerline of Sherwood Road. Being Lot 17 in the subdivision of "The Abbey at Sherwood" recorded among the Land Records of Baltimore County in Plat Book S.M. No. 64 folio 133, containing 0.238 Acres, more or less (10,366 square feet).



#206

SONNO DEPARTMENT OF BALTIMORE COUNTY 9H-207- SFAR

- 179 ·	Date of Posting 1/1/2/23
med for Special House to	
	Ct, 357 St / Strowed Rd
cation of Styre Estad st. 111	File of Non charaleproment ex sharmond et
to now to in other !	Jours Die Clasien CY.
sted by Difficulty	Date of return: 22/3/93
Spices 2	Dele el reture:



3

## CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published

in Towson, Baltimore County, Md., once in each of \_\_\_\_\_ successive weeks, the first publication appearing on 1212, 1943

THE JEFFERSONIAN.

LEGAL AD. - TOWSON

# 8 CLARION COURT

12/1/93

Taken by : JRF

100 REVISION .... \$50.00

03A03N0037MICHRC 84 CQ02:34PH12-01-93

19 Jenilesen

receipt

DOAK - #8 clarion Court

010 - Variance --- \$ 50,00

030- Special Hoorings - \$50.00 080 - Signs 2 (35) - \$ 70.00

\$ 170.00

02602#0104NICHRC BA CO11:05AN11-15-93

Towson, MD 21204

111 West Chesapeake Avenue

94-207-5PHA ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Planner:

Date Filed:

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

Baltimore County Government Office of Zoning Administration and Development Management

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

For newspaper advertising: Item No.: 206 Petitioner: BEEW J. SIKOBSKI location: #8 CLARION COURT PLEASE FORWARD ADVERTISING BILL TO: NAME: BREW J. SKORSKI ADDRESS: <u>RO. 80x 99</u> Phoenix Md 21/3/

PHONE NUMBER: 446 - 5933

Printed on Becycled Paper

(Revised 04/09/93)

PET-FLAG (TXTSOPH) 11/17/93

**Baltimore County Government** Office of Zoning Administration and Development Management

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Haryland 21204 as follows:

CASE MURBER: 94-207-SPHA (Item 206) 8 Clarion Court NW/S Clarion Court, 359' SE of c/l Sherwood Road 8th Election District - 3rd Councilmenic

Petitioner(s): Manor Farms Homes, Inc. HEARING: FRIDAY, DECEMBER 17, 1993 at 9:00 a.m. in Rm. 106, County Office Building.

Special Hearing to assend the final development plan for "The Abbey at Sherwood". Variance to permit a setbeck of 28 feet to the tract boundary in lieu of the required 35 feet.

111 West Chesapeake Avenue

MOVEMBER 24, 1993

Towson, MD 21204

NOTES: (1) ZOWING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR IMPONENTION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

**Baltimore County Government** Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

December 7, 1993

Mr. D. J. Sikotski Manor Farm Homes PO BOX 99 Phoenix, Maryland 21131

> RE: Case No. 94-207-SPHA, Item No. 206 Petitioner: Manor Farm Homes, Incorporated Petition for Variance

Dear Mr. Sikotski:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on November 15, 1993, and a hearing was scheduled accordingly.

The following comments are related <u>only to the filing of future</u> <u>zoning petitions</u> and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attornays who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel



Maryland Department of Transportation State Highway Administration

Administrator

O James Lighthizer

11-24-93

Secretary

Hal Kassoff

Ms. Charlotte Minton Zoning Administration and **Development Management** County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

DAVID N. RAMSEY, ACTIAL CHIEF-John Contestabile. Chief

Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free Mailing Address: P.O. Box 717 • Saltimore, MD 21203-0717 Street Address: 707 North Calvert Street • Saltimore, Maryland 21203 BALTIMORE COUNTY, MARYLAND

PETITION PROCESSING PLAG

This petition has been accepted for filing, after an initial review, and has been

placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the

agenda by Sophia. A copy of this "flag" will be placed in the case file for the

Zoning Commissioner's review. The planner that accepted the petition for filing has

the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If

the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning

conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the

Descriptions, including accurate beginning point

printed name and/or address and/or telephone number

Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal

Contract purchaser's signature (need minimum 1 original

Power of attorney or authorization for person signing for

and/or printed name and/or address and/or telephone number Notary Public's section is incomplete and/or incorrect

Attorney's signature (need minimum 1 original signature)

Owner's signature (need minimum 1 original signature) and/or

Plats (need 12, only \_\_\_\_ submitted)
200 scale zoning map with property outlined

PCZR section information and/or wording

legal owner and/or contract purchaser

and/or commission has expired

Hardship/practical difficulty information

signature) and/or printed name and/or address

The following information is missing:

Election district

Councilmanic district

owner/<del>contract purchaser</del>

Zoning

Actual address of property

94-207-5171-1

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Zoning Administration and Development Management

DATE: November 29, 1993

FROM: Pat Keller, Deputy Director

SUBJECT: Petitions from Zoning Advisory Committee

Office of Planning and Zoning

Item Nos. 200, 202, 204, 205, 206, 207, 208, 209, 210, 213, 216 and 217.

The Office of Planning and Zoning has no comments on the following petition(s):

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

PK/JL: lw

ZAC.202/PZONE/ZAC1

A mention some or

## BALTINORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and Development Management

DATE: December 10, 1993

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s): Item Nos. 206, 222, 223, 228 and 232.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

PK/JL:lw



14-26 - 5PHA

ZAC. 206/PZONE/ZAC1

111 West Chesapeake Avenue

Towson, MD 21204

Baltimore County Government Office of Zoning Administration and Development Management

December 21, 1993

(410) 887-3353

ZC

Mr. D. J. Sikotski Manor Farm Homes P.O. Box 99 Phoenix, Maryland 21131

RE: Case No. 94-207-SPHA, Item No.206 Petitions for Variance and Special Hearing #8 Clarion Court

Dear Mr. Sikotski:

Enclosed are copies of comments received from the developers engineering section on December 20, 1993 for the above-referenced case.

If there are any questions, please do not hesitate to call me at

Sincerely,

Charlotte Minton

Enclosure

887-3391.

Printed with Soyboan Ink on Recycled Paper

**Baltimore County Government** Department of Permits and Licenses



111 West Chesapeake Avenue Towson, MD 21204 DECEMBER 16, 1993 Arnold Jablon

Soning Administration and Development Management Baltimore County Office Building

Towson, MD 21204 **ZONING AGENDA:** 

DECEMBER 13, 1993

Property Owner: REVISED PETITIONS AND PLANS WERE RECEIVED FOR ITEM #206 ON 12/1/93

Location: Item No.:

94-207- SPHA

Property Owner: Roman Szyjka Location: #6002 Hamilton Avenue Item No.: \$222 (WCR)

Property Owner: Perry Hall Courts II Joint Venture Location: #81, #83, & #87 Cedar Chip Court Item Mo.: 223 (RT)

Property Owner: George Sears, Jr. Location: #20 Clyde Avenue Item Mo.: 226 (JLL)

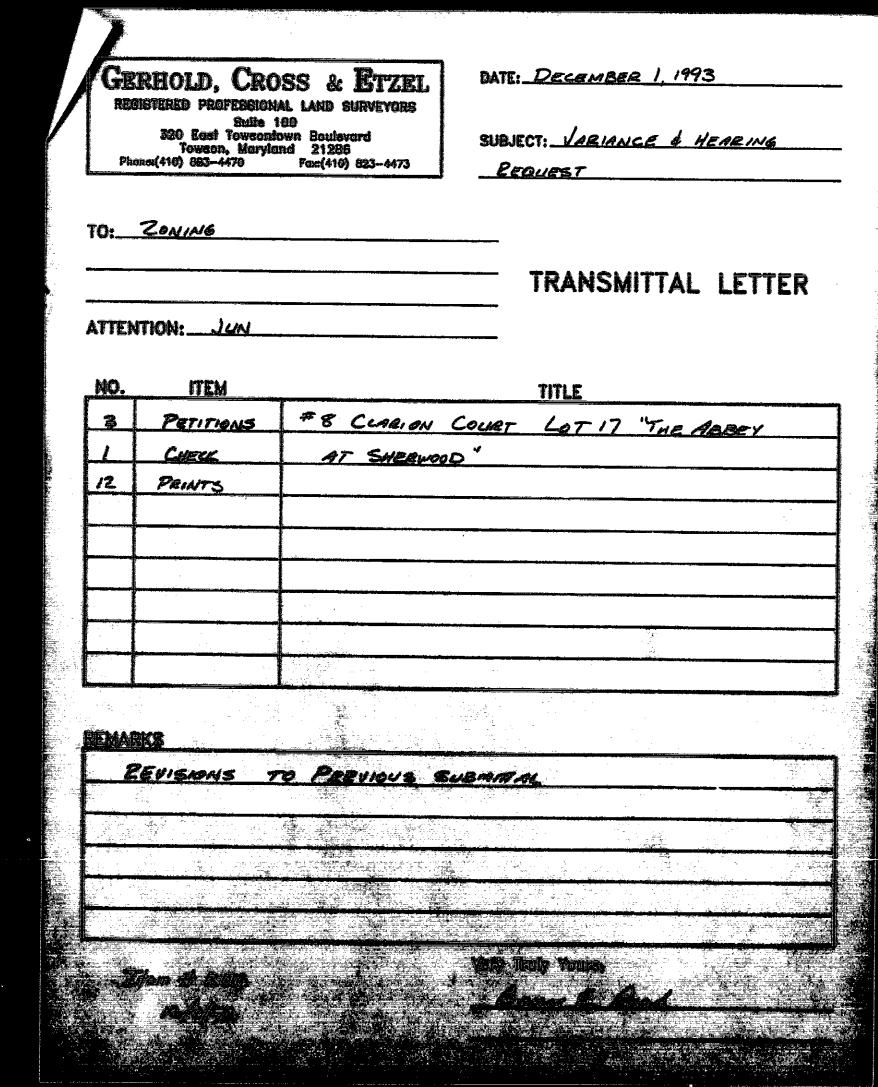
Property Owner: George Sears, Jr. Location: #22 Clyde Avenue Item Bo.: 227 (JLL)

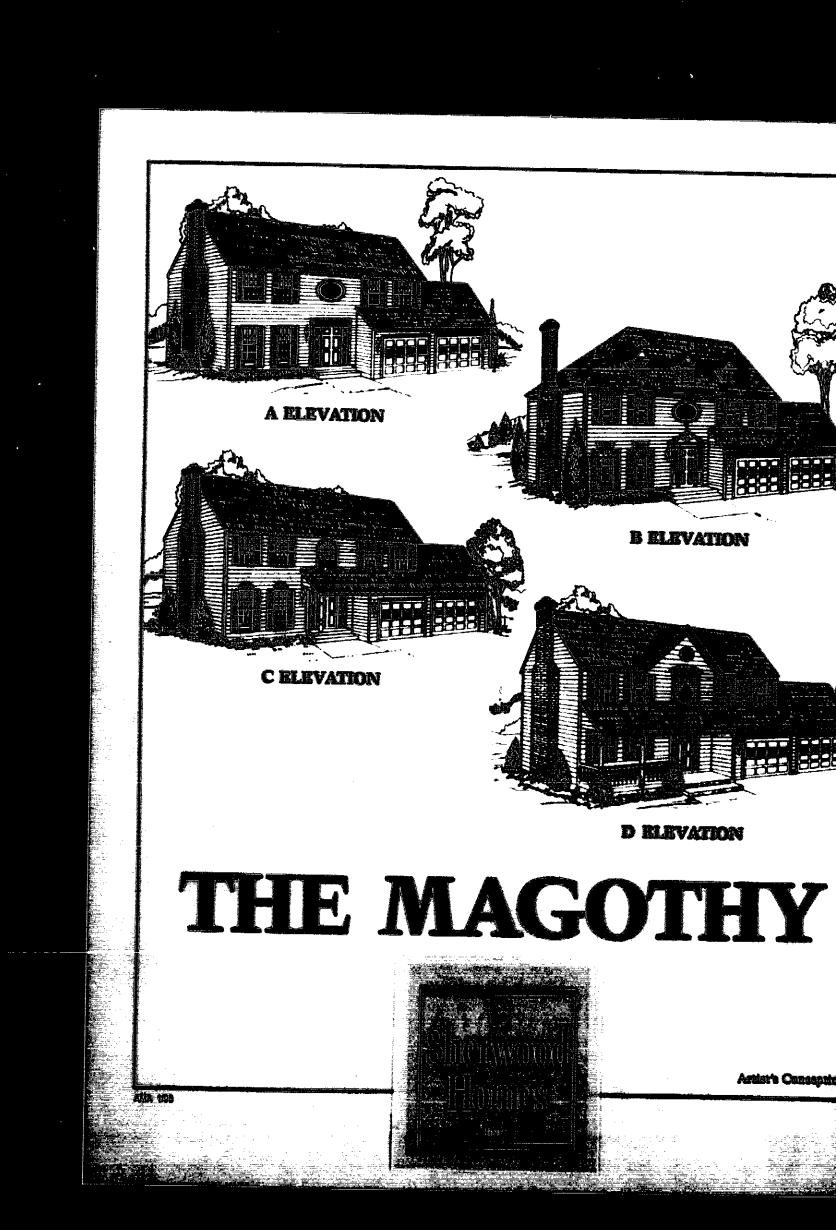
Property Owner: Wayne DeFoutes Location: #15 Bastern Boulevard Item Bo.: +232 (WCR)

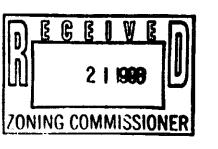
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

BEVIEWER, Roberton Planning Group Special Inspection Division Robert Saverwald







Astist's Conception

## BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: December 20, 1993 Zoning Administration and Development Management

FROM: Robert W. Bowling, Senior Engineer Developers Engineering Section

Zoning Advisory Committee Meeting for December 20, 1993 Item No. 206 Revised

RWB: 6

The Developers Engineering Section has reviewed the subject zoning item. The maximum desired slope of ground for 10 feet adjacent to the proposed house is a 5% grade. per the approved grading plan, there is insufficient distance to the property line for maximum 2:1 slope grading for this 10 foot dimension.

> Robert W. Bowling, Sr. Engineer Developers Engineering Section



O James Lighthizer Hai Kassoff

12-10-93

Re: Baltimore County Item No.: #216

Dear Ms. Minton:

Room 109

Ms. Charlotte Minton

County Office Building

Zoning Administration and

Development Management

111 W. Chesapeake Avenue

Towson, Maryland 21204

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours, Bob Small DAVID N. RAMSEY, ACTIVE CHIEF
John Contestabile, Chief Engineering Access Permits

My telephone number is \_\_\_\_\_ Melling Address: P.O. Bex 717 • Beltimere, MD 21283-6717 Street Address: 707 Herth Calvert Street • Beltimere, Maryland 21202

